

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Michael McNeil,

Case No. 2:18-cv-01594-RFB-BNW

Plaintiff,

ORDER re ECF Nos. 86 and 91

V.

Dave Molnar, *et al.*,

Defendants.

10 Before the Court are two motions. First is Plaintiff Michael McNeil's motion requesting
11 the reaffirmance of a February 17, 2022 Order. ECF No. 86. Defendants' response is at ECF No.
12 89, and Plaintiff's reply is at ECF No. 93. Next is Plaintiff's motion for sanctions at ECF No. 91.
13 Defendants opposed at ECF No. 95, and Plaintiff replied at ECF No. 96.

14 The parties are familiar with the arguments. As a result, the Court will not repeat them
15 here.

I. Plaintiff's Motion for Reaffirmance of February 17, 2022 Order (ECF No. 86)

17 The Court has reviewed its order in which it directed the Clerk of Court to issue a
18 subpoena to Mr. McNeil for him to fill out and serve. But it appears that what Mr. McNeil seeks
19 is for the Court or Defendants to help with the proper service of the subpoena. Neither Defendants
20 nor the Court bears that responsibility. Lastly, the Court quashed the subpoena at issue during the
21 September 7, 2022 hearing. ECF No. 97.

22 For these reasons, the motion is granted to the extent that the Court reaffirms its directive
23 to the Clerk of Court to issue a subpoena to Mr. McNeil for him to fill out and serve. The motion
24 is denied in all other respects as moot.

II. Plaintiff's Motion for Sanctions (ECF No. 91)

26 Federal Rule of Civil Procedure Rule 37(b)(2)(A) allows parties to seek discovery
27 sanctions if the other side “fails to obey an order to provide or permit discovery[.]”

28 || Here, Defendants have not violated any Court order.

1 The Court recently had a hearing (on September 7, 2022) where it determined that only
2 two (out of many) discovery requests had not been properly answered. This was the first time that
3 the Court ordered Defendants to properly respond. As such, Defendants have not (at least as of
4 now) failed to comply with a Court order. As to all other requests, the Court determined
5 Defendants have either (a) satisfied the requests with their responses, or (b) lodged sustainable
6 objections to the requests.

7 Lastly, as to the subpoena for Brian Williams, it is up to Mr. McNeil to properly serve it
8 on him. Defendants do not bear any responsibility for properly serving the subpoena. For these
9 reasons, the motion is denied.

10 III. Conclusion

11 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reaffirmance of February
12 17, 2022 Order (ECF No. 86) is GRANTED IN PART and DENIED IN PART consistent with
13 this Order.

14 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Sanctions (ECF No. 91) is
15 DENIED.

17 DATED: September 8, 2022.

Brenda Weksler
BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE